

REMARKS

The subject Request for Continued Examination (RCE), the foregoing amendments, and the following remarks are submitted in response to the Office Action dated January 7, 2005. Applicants respectfully request that the amendments to the claims be entered and the remarks set forth below be considered.

Claims 1, 8 and 14 are amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 5 and 15 are canceled without prejudice. No new matter has been added and no further consideration and/or search is needed. Thus, claims 1-4 and 7-14 are pending in the application, and are respectfully submitted for consideration.

Claims 1-4, 7-10 and 13-14 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,122,364 (Petrunka et al.) in view of U.S. Patent No. 6,657,957 (Cheung et al.). The Office Action took the position that Petrunka taught all the elements of these claims except that the network control device loads control software for the interface device via the first network. Cheung was cited as providing those features of the claims missing from Petrunka. Applicant respectfully submits that the cited references, either alone or combination, do not disclose or suggest all the features of any of the presently pending claims.

Claim 1, upon which claims 2-4 and 7 are dependent, recites a network control device for controlling data transfer in a first network. The data transfer is supplied from a second network via a switch device adapted to control the second network and an

interface establishing device connected between the switch device and a first network. The network control device controls the interface establishing device by using signaling associated with the first network and controls parameters of the interface establishing device. The network control device loads control software for the interface establishing device via the first network into the interface establishing device.

Claim 8, upon which claims 9-12 are dependent, recites an interface establishing device for providing an interface between a first network and a second network. The interface establishing device is adapted to receive data from the second network by using signaling associated with the second network and to transmit the data to the first network by using signaling associated with the first network. The interface establishing device is configured to receive control software for the interface establishing device from the network control device via the first network.

Claim 13 recites some features which are similar to those recited in claims 1 and 8, but is drawn to a network system.

Claim 14 recites a method for controlling a network system including a first network, a second network, an interface establishing device providing interface between the networks, and a switch device to which the interface establishing device is connected and which controls the second network. The method includes controlling the interface establishing device via the first network by using signaling associated with the first network, and controlling parameters of the interface establishing device. The method also includes controlling the switch device via the first network by using signaling

associated with the second network. The method also includes loading control software for the interface establishing device from a network control device into the interface establishing device, if it is decided that an update is necessary.

As discussed in the specification, examples of the present invention enable software for a gateway to be loaded from the network control device into the gateway by using an IP network. By applying the network control device, a gateway between the first and second network may be easily installed. Less complex installation of new IP telephony interfaces, or gateways, between conventional switch devices and an IP network may reduce costs. A telecom operator is enabled to easily install new IP telephony interfaces, or gateways, between the conventional switch devices and the IP network. Applicant respectfully submits that the cited references, either alone or in combination, fail to disclose or suggest all the elements of any of the presently pending claims. Therefore, applicant submits that the cited references fail to provide the critical and unobvious advantages discussed above.

Petrunka relates to an internet network call center. Referring to Figure 1, Petrunka describes a network call center where customers call in via a public switch telephone network 1400 to be connected to agents. These agents, such as agent 1300, are connected via voice over IP (VOIP) via data network 1500 with network call center 1100. Agent 1300 uses terminal 1310 to connect to network call center 1100. Network call center 1100 controls the routing of calls from customer 1200 to agent 1300 using switch 1110, server 1120, interactive voice response unit 1130, and VOIP server 1140. VOIP server

1140 includes a collection of VOIP cards, or software multimedia components, to convert voice to data and data to voice for transmitting voice signals over data network 1500.

Cheung relates to a method and apparatus for dynamically controlling the admission of calls to a network. Cheung describes a network call admission control system that receives a call and determines a call characteristic requirement and a network characteristic parameter for the call. Referring to Figure 3 of Cheung, packet-switched network performance parameters data structure 230 includes current and/or projected performance parameters of the network. Examples of network performance parameters data include call delay, packet loss, and error rate. Dynamic call admission instructions 240 determine and indicate when a call has been received by admission control gateway 100. Referring to Figure 4 of Cheung, calls from an initiator computer 310 are admitted to a contacted computer 390 when the parameters of network 340 satisfy certain requirements. Admission control gateway 300 receives the call from initiator computer 310 and determines the call quality requirements, determines the network performance parameters from information provided by a quality of service computer 320, and takes a call action based on the determined call quality requirements and network performance parameters. Quality of service computer 320 is able to keep up to date the data parameters about the network, the current traffic, and/or projected traffic.

Applicant, however, submits that neither Petrunka nor Cheung disclose or suggest, either alone or in combination, all the features of any of the presently pending claims. For example, applicant submits that the cited references do not disclose or suggest the

network control device controlling the interface establishing device by using signalling associated with the first network, and controlling parameters of the interface establishing device, and loading control software for the interface establishing device from a network device. The Office Action acknowledges that Petrunka “does not disclose the network control device loads control software for said interface device via said first network.” Applicant submits that Cheung, either alone or in combination with Petrunka, also does not disclose or suggest at least these features of the claims.

The Office Action cites dynamic call admission instructions 240 and network performance parameters 230 from quality of service computer 320 of Cheung as teaching the features missing from Petrunka. Applicant submits that the instructions and parameters of Cheung describe how to handle a call and performance parameters of the network. As discussed above, a received call at gateway 300 has the network performance parameters determined from quality of service computer 320 for taking a call action. Cheung does not disclose or suggest controlling an interface establishing device or parameters of the interface establishing device.

Cheung also fails to disclose or suggest loading control software for the interface establishing device. Cheung describes loading network parameters and instructions for handling a call before taking an action. The parameters and instructions of Cheung do not disclose or suggest control software. These aspects of Cheung are distinguishable from the features included in the claims. For example, referring to Figure 4 of the present application, step S2 shows controlling parameters of gateway GW via IP network, while

step S4 shows loading control software for gateway GW via IP network. These steps of applicant's Figure 4 are distinguishable from the teachings of Cheung because Cheung does not disclose or suggest controlling parameters and loading control software for an interface establishing device. Instead, Cheung describes using parameters and instructions to determine a call action to be taken.

In contrast, applicant's claim 1 recites "said network control device . . . controls parameters of said interface establishing device, wherein said network control device loads control software for said interface establishing device via said first network into said interface establishing device." Claim 8 recites "wherein said interface establishing device is configured to receive control software for said interface establishing device from a network control device via said first network and is configured such that parameters thereof are controlled by said network control device." Claim 13 recites some of the features of claims 1 and 8, but is drawn to a network system. Claim 14 recites "controlling said interface establishing device via said first network by using signalling associated with said first network, and controlling parameters of said interface establishing device" and "loading control software for said interface establishing device from a network control device into said interface establishing device, if it is decided that an update is necessary." At least for the reasons given above, applicant respectfully submits that the cited references do not disclose or suggest at least these features of the independent claims.

Dependent claims 2-4, 7 and 9-10 also are not disclosed or suggested by the cited references for the reasons given above, and also because the dependent claims recite additional patentable subject matter. Thus, applicant submits that the cited references, either alone or in combination, do not disclose or suggest all the features of claims 1-4, 7-10 and 13-14. Applicant respectfully requests that the obviousness rejection of these claims be withdrawn.

Claims 11 and 12 were rejected under 35 U.S.C. §102(e) as allegedly being unpatentable over Petrunka. Applicant notes that an anticipation rejection is alleged by the Office Action against claims 11 and 12. As discussed above, claim 8 is not disclosed or suggested by the teachings in Petrunka. With regard to claim 8, the Office Action states that Petrunka “does not disclose the network control device loads control software for said interface device via said first network.” Claims 11 and 12 depend directly or indirectly from independent claim 8. Applicant submits that claims 11 and 12 are not disclosed or suggested by Petrunka because Petrunka does not disclose or suggest all the features of claim 8. Further, claims 11 and 12 recite additional patentable subject matter that is not disclosed or suggested by Petrunka. Thus, applicant respectfully requests that the anticipation rejection of claims 11 and 12 be withdrawn.

Applicant submits that each of claims 1-4 and 7-14 recites subject matter that is neither disclosed nor suggested by Petrunka and/or Cheung, when viewed either alone or in combination. Applicant therefore respectfully requests that all of claims 1-5 and 7-15 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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